

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CURTIS SPIVEY,

Petitioner,

v.

ROBERT GILMORE et al.,

Respondents.

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Civ. No. 15-3825

ORDER

AND NOW, this 29th day of December, 2017, upon consideration of the Petition for Habeas Relief under 28 U.S.C. § 2254 (Doc. No. 1), Petitioner's amendment and memorandum in support of his Petition (Doc. Nos. 10, 25), the Commonwealth's Response in Opposition (Doc. No. 28), Petitioner's statement and traverse (Doc. Nos. 39, 40), Judge Lloret's Report and Recommendation (Doc. No. 41), Petitioner's Objections (Doc. No. 44), all other related submissions, and after an independent review of the record, it is hereby **ORDERED** that:

1. Petitioner's Objections (Doc. No. 44) are **OVERRULED in part**;
2. The Report and Recommendation (Doc. No. 41) is **ADOPTED in part**;
3. Petitioner's § 2254 Petition (Doc. No. 1) is **DENIED** and **DISMISSED**;
4. A Certificate of Appealability shall **NOT ISSUE** under 28 U.S.C. § 2253(C)(1)(A) because Petitioner has not demonstrated that "reasonable jurists" would find my "assessment of the constitutional claims debatable or wrong."
Slack v. McDaniel, 529 U.S. 473, 484 (2000); and
5. The Clerk of Court shall **CLOSE** this action.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.